

to passengers. The driver may be identified by name or company number.

**§ 374.319 Relief from provisions.**

(a) *Petitions.* Where compliance with any rule would impose an undue burden on a carrier, it may petition the Federal Highway Administration either to treat it as though it were conducting a commuter service or to waive the rule. The request for relief must be justified by appropriate verified statements.

(b) *Notice to the public.* The carrier shall display conspicuously, for at least 30 days, in each facility and on each bus affected, a notice of the filing of any petition. The notice shall contain the carrier's name and address, a concise description of and reasons for the relief sought, and a statement that any interested person may file written comments with the Federal Highway Administration (with one copy mailed to the carrier) on or before a specific date that is at least 30 days later than the date the notice is posted.

[55 FR 11199, Mar. 27, 1990. Redesignated at 61 FR 54709, Oct. 21, 1996, as amended at 62 FR 15423, Apr. 1, 1997]

**Subpart D—Notice of and Procedures for Baggage Excess Value Declaration**

AUTHORITY: 49 U.S.C. 1 and 301 *et seq.* and 5 U.S.C. 553 and 559.

SOURCE: 40 FR 1249, Jan. 7, 1975, unless otherwise noted. Redesignated at 61 FR 54709, Oct. 21, 1996.

**§ 374.401 Minimum permissible limitations for baggage liability.**

(a) Motor common carriers of passengers and baggage subject to 49 U.S.C. 13501 may not publish tariff provisions limiting their liability for loss or damage to baggage checked by a passenger transported in regular route or special operations unless:

(1) The amount for which liability is limited is \$250 or greater per adult fare, and

(2) The provisions permit the passenger, for an additional charge, to declare a value in excess of the limited amount, and allow the passenger to recover the increased amount (but not higher than the actual value) in event

of loss or damage. The carriers may publish a maximum value for which they will be liable, but that maximum value may not be less than \$1,000. Appropriate identification must be attached securely by the passenger to each item of baggage checked, indicating in a clear and legible manner the name and address to which the baggage should be forwarded if lost and subsequently recovered. Identification tags shall be made immediately available by the carriers to passengers upon request.

(3) Carriers need not offer excess value coverage on articles listed in § 374.307(c)(3).

(49 U.S.C. 10321, 5 U.S.C. 553)

[46 FR 22899, Apr. 22, 1981, as amended at 47 FR 21840, May 20, 1982; 62 FR 15423, Apr. 1, 1997]

**§ 374.403 Notice of passenger's ability to declare excess value on baggage.**

(a) All motor common carriers of passengers and baggage subject to 49 U.S.C. subtitle IV, part B, which provide in their tariffs for the declaration of baggage in excess of a free baggage allowance limitation, shall provide clear and adequate notice to the public of the opportunity to declare such excess value on baggage.

(b) The notice referred to in paragraph (a) of this section shall be in large and clear print, and shall state as follows:

**NOTICE—BAGGAGE LIABILITY**

This motor carrier is not liable for loss or damage to properly identified baggage in an amount exceeding \$\_\_\_\_. If a passenger desires additional coverage for the value of his baggage he may, upon checking his baggage, declare that his baggage has a value in excess of the above limitation and pay a charge as follows:

**IDENTIFY YOUR BAGGAGE**

Under FHWA regulations, all baggage must be properly identified. Luggage tags should indicate clearly the name and address to which lost baggage should be forwarded. Free luggage tags are available at all ticket windows and baggage counters.

The statement of charges for excess value declaration shall be clear, and any other pertinent provisions may be added at the bottom in clear and readable print.